

The Yuma County Board of Adjustment met in a regular session on June 21, 2016. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 1:16 p.m. Vice Chairman Ron Rice convened the Board of Adjustment meeting. Board Members present were: Ron Rice, Laurie Colvin, and Tim Eisenmann. Members absent were: Joe Harper and Neil Tucker. Others present were: Planning Director Maggie Castro; Associate Planner Marilu Garcia; Deputy County Attorney Ed Feheley; and Executive Assistant Tricia Ramdass.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Vice Chairman Rice.

**ITEM No. 3: *Approval of the Board of Adjustment regular meeting minutes of April 19, 2016***

MOTION (EISENMAN/COLVIN): Approve revised minutes as presented with change of date in first paragraph to April 19, 2016.

VOICE VOTE: The motion carried 3-0.

**ITEM No. 4: *Variance Case No. 16-10:*** Vianey Vega, agent for Robert L. and Janice C. Van Diest, requests a variance from the Yuma County Zoning Ordinance, Section 609.05 - Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side yard setback of five feet on a parcel 27,603 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 701-23-051, located at 13633 East Gatewood Lane, Yuma, Arizona.

Associate Planner Marilu Garcia presented the staff report recommending approval of Variance Case No. 16-10 based on the following findings:

1. Staff finds the irregular shape and topography of the lot are peculiar conditions which deprive the property of privilege enjoyed by other property owners in the zoning district.
2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of a variance.
3. Staff finds the condition is not self-imposed.

If the Board approves this Variance, Staff recommended the following conditions:

1. The variance is valid for the time limits outlined in Section 403.07 of the Yuma County Zoning Ordinance.
2. An avigation disclosure statement shall be recorded that recognizes the noise, interference, and vibrations that may be caused by aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex.

Board members asked for clarification on the site plan property line and owner access to the subject property.

Ms. Garcia stated (referencing the slide) that the black line was the new property line and red line was the requested setback. She added that access to the property was from Gatewood Lane.

Planning Director Maggie Castro stated that the green line on the slide denoted the required 7-foot setback based on the new property line and confirmed the existing property line was indicated by the black line. She informed the Board that the brick wall was on the new property line.

Vice Chairman Rice opened the public hearing.

Vianey Vega, 1846 South 8<sup>th</sup> Avenue, Yuma, Arizona, agent for Robert L. and Janice C. Van Diest, explained that the issue was discovered when the owner recently sold the property to Mr. and Mrs. Van Diest. The mobile home had been improperly placed long before the current owners purchased the property. The lot lines were adjusted to provide the subject property with additional footage for the setback. However, not enough footage from lot 52 was available for the entire setback required because that lot needed to stay in compliance.

Board members asked when the mobile home was placed on the property.

Ms. Castro informed the Board that the mobile home was installed in the year 2000.

Vice Chairman Rice closed the public hearing.

MOTION (EISENMANN/COLVIN): Approve Variance Case No. 16-10 subject to staff recommendations.

VOICE VOTE: The motion carried 3-0.

**ITEM No. 5: *Presentation and discussion concerning conflict of interest, planning guidelines for case decisions, and Zoning Ordinance and statutory requirements for variances:***

Deputy County Attorney Ed Feheley gave a brief overview of *ARS §11-816 Boards of adjustment; powers; appeals;* and conflict of interest. He further explained the difference between the statutory requirements of city and county board of adjustments regarding guidelines for case decisions. Mr. Feheley also clarified the motion process for board members.

There being no further business to come before the Board, the Vice Chairman adjourned the meeting at 1:49 p.m.

Approved and accepted on this 16<sup>th</sup> day of August, 2016.

  
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Joe Harper, Chairman

ATTEST:  


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Maggie Castro, Planning Director